REMARKS

Reconsideration and allowance of the instant application are respectfully requested. By this communication, claims 1, 24, 25, 46, 47, 57, 58, 80, 81, 91, 92, 125, and 126 have been amended. Claim 136 has been added. Support for the subject matter recited in newly added claim 136 can be found variously throughout the Specification and claims, for example, in original claim 35. Claims 1-11, 13-44, 46-75, 77-112, and 114-136 remain pending.

Rejections Under 35 U.S.C. §112

Claims 24-26, 44, 46, 47, 57-59, 80, 81, 91-93, and 125-127 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 24, 25, 46, 47, 57, 58, 80, 81, 91, 92, 125, and 126 have been amended to address the Examiner's concerns. Applicants submit, however, that because claims 26, 59, 93, and 127 depend from claims 25, 58, 92, and 126, respectively, no additional changes to these claims are necessary. Furthermore, Applicants submit that the rejection to claim 44 is improper because the term "said link" has proper antecedent basis due to the recitation of "said video file being identified by a link in said web page", as recited in base claim 35. For the foregoing reasons, Applicants request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 8-11, 13-16, 27-34, 35-39, 41-44, 49, 60-73, 75-78, 80-83, 94, 107, 109-112, 114-117, and 133-135 were rejected under 35 U.S.C. §103(a) as unpatentable over Applicants' admitted prior art (AAPR) in view of *Thompson et al* (U.S. Patent Pub. No. 2002/10077900), *Levi et al* (U.S. Patent No. 6,836,791), and *Katinsky et al* (U.S. Patent No. 6,452,609). Applicants respectfully traverse this rejection.

On page 5 of the Office Action, the Examiner acknowledges that neither AAPR, the *Thompson* publication, nor the *Levi* patent, either singularly or combined, teach or suggest displaying a status indicator. The Examiner relies on the *Katinsky* patent to allegedly remedy this deficiency. First, Applicants submit that the Examiner has improperly generalized the claim language for the convenience of making the rejections. None of the pending claims recite displaying a status indicator as alleged, but more succinctly recite that the status indicator is displayed in response to a first instruction (see independent claims 1, 35, 68, and 102). Second, the Examiner's generalization, notwithstanding, Applicants submit that the *Katinsky* patent fails to teach this claimed element.

The Office Action alleges that the *Katinsky* patent discloses the display of status information. Even if this interpretation is accurate, which Applicants do not acquiesce that it is, Applicants submit that the *Katinsky* patent does not disclose that status information is displayed in response to a first instruction encoded in one of a plurality of tracks in a video file, as recited in the claims. The Examiner alleges that the *Levi* patent teaches the step of inserting instructions as recited in the claim. But upon closer inspection, the *Levi* patent merely teaches that the header portion of the data stream contains objects which identify properties of the data. There is no teaching either in the reference or readily apparent from the state of the art regarding how these properties can function as instructions. Further, there is no teaching in either the *Levi* patent or the *Katinsky* patent that a status indicator is displayed in response to an instruction contained n a video file being downloaded.

In summary, neither AAPR, the *Thompson* publication, the *Levi* patent, nor the *Katinsky* patent teach or suggest displaying at least one status indicator in response to said first instruction as recited in claims 1, 35, 68, and 102. For at least these reasons, a *prima facie* case of obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." ACS Hosp. Sys. V. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Applicants request, therefore, that the rejection of claims 1, 35, 68, and 102 and their corresponding depending claims be withdrawn.

Claims 7, 17-26, 40, 50-59, 74, 84-93, 108, and 118-132 were rejected under 35 U.S.C. §103(a) as unpatentable over AAPR in view of the *Thompson* publication, the *Levi* and *Katinsky* patents, and further in view of *Abato et al* (U.S. Patent No. 6,513,069) and *Smith* (U.S. Patent No. 6,448,986), where applicable. Applicants respectfully traverse these rejections.

Because the aforementioned claims variously depend from independent claims 1, 35, 68, and 102, Applicants submit that these claims are allowable for at least the same reasons discussed above with regard to their respective base claims. Furthermore, Applicants submit that these claims are further distinguishable over the applied references by the additional elements recited therein. Accordingly, Applicants request that these claims be allowed and the rejection under 35 U.S.C. §103 be withdrawn.

Newly Added Claim

Newly added claim 136 recites, among other elements, that said video player is launched in response to the browser detecting the header to receive the video file during downloading and said video player opening in a mode indicated by said mode flag. With

respect to original independent claim 35, the Examiner acknowledges that the *Thompson* publication fails to disclose this element and relies on alleged knowledge in the art as purportedly evidenced in the *Katinsky* patent to remedy this deficiency. Applicants submit, however, that the mere fact that a video can be opened in a size specified by the corresponding video file, as taught by the *Katinsky* patent, does not teach or suggest to one of ordinary skill that a mode flag is used to indicate the mode in which the video is to be opened. In fact, the broad interpretation given the *Katinsky* patent in rejecting the claims with respect to the claimed mode flag is unsupported by this reference. The alleged correlation of the teachings of the *Katinsky* patent to the claimed mode flag appear solely based on hindsight reasoning. For at least these reasons, Applicants request favorable examination and allowance of this claim.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-11, 13-44, 46-75, 77-112, and 114-136 are allowable, and this application is in condition for allowance. Accordingly, Applicants request a favorable examination and reconsideration of the instant application. In the event the instant application can be placed in even better form, Applicants request that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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